

REMARKS

Claims 1-8 remain pending in the present application.

In the Office Action of September 1, 2005, the Examiner required Applicants to elect one of the following inventions: Group I, comprising claim 2; Group II, comprising claim 3; Group III, comprising claim 4; and Group IV, comprising claims 6-8. The Examiner indicated that claims 1 and 5 would be examined in addition to the Group elected by Applicants. Applicants respectfully traverse the restriction requirement for at least the following reasons.

Section 803 of the M.P.E.P. provides that there are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if restriction is required. In the Office Action, the Examiner asserted that the inventions of Groups I-IV are distinct because they are subcombinations disclosed as usable together in a single combination. Applicants respectfully disagree.

Each of the claims included in Groups I-IV (claims 2-4 and 6-8) are dependent claims, dependent upon independent claim 1. Applicants submit that the scope of each dependent claim includes not only the features recited in the dependent claim, but also all of the features recited in the independent claim, and any intervening claim. For example, the scope of claim 2 is not limited to the recited cleaner; rather, it includes an optical recording medium-manufacturing apparatus recited in claim 1, which includes a cut-forming machine, a punching

machine, a transfer mechanism, and a control section, as well as the cleaner recited in claim 2.

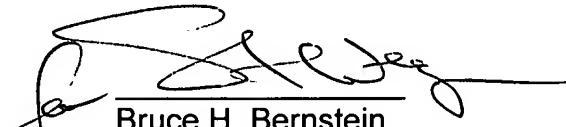
Thus, Applicants submit that claims 2-4 and 6-8 are each directed towards an optical recording medium-manufacturing apparatus which includes, inter alia, a cut-forming machine, a punching machine, a transfer mechanism, and a control section. Applicants respectfully submit that the optical recording medium-manufacturing apparatuses recited in claims 2-4 and 6-8 are not subcombinations usable together, as Applicants do not disclose that an optical recording medium-manufacturing apparatus of the present invention may be used with another optical recording medium-manufacturing apparatus of the present invention. Thus, Applicants respectfully submit that claims 2-4 and 6-8 are not distinct inventions. Rather, each of dependent claims 2-4 and 6-8 recite additional features of the invention recited in independent claim 1. Thus, Applicants respectfully submit that there is no basis for restricting the claims.

Furthermore, Applicants respectfully submit that there would not be a serious burden on the Examiner to examine all of the claims in the application. Applicants submit that only eight claims are present in the application for the Examiner to examine. Additionally, Applicants note that the Examiner has classified each of the inventions of Groups I-IV in the same class, class 83. Further, if Applicants were to add a new independent claim which contained all of the features recited in claims 2-8, Applicants submit that there would be no basis to restrict this claim from independent claim 1.

For at least the reasons set forth above, Applicants respectfully submit that the restriction requirement is improper, and request the Examiner to withdraw the requirement and examiner each of the claims in the application. Nevertheless, in order to be fully responsive, Applicants have elected with traverse the invention of Group II, comprising claims 1, 3 and 5, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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